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EXAMINER

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

Claim Objections

1. Previous claim objection to claims 1, 3-8 and 11-14 are withdrawn in view of Applicant's amendment filed on 07/15/2009.

Claim Objections

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no mention of "computer readable storage medium" in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1, 3-8 and 11-14** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no corresponding adequate support for the means plus function in the specification and drawing.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1, 3-8 and 11-14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

If there is no disclosure of structure, material or acts for performing the recited function, the claim fails to satisfy the requirements of 35 U.S.C. 112, second paragraph. > “[A] bare statement that known techniques or methods can be used does not disclose structure” in the context of a means plus function limitation. *Biomedino, LLC v. Waters Technology Corp.*, 490 F.3d 946, 952, 83 USPQ2d 1118, 1123 (Fed. Cir. 2007) (Disclosure that an invention “may be controlled by known differential pressure, valving and control equipment” was not a disclosure of any structure corresponding to the claimed “control means for operating [a] valving ” and the claim was held indefinite.) See MPEP 2181.

Response to Arguments

5. Applicant's arguments filed 07/15/2009 have been fully considered but they are not persuasive.

6. Applicant argues on page 17+ of the 07/15/2009 Remarks that Akazawa et al. (U.S. Publication No. 2003/0065794) fails to disclose “displaying a download button requesting to download software executing a function when a button is selected”. Applicant also argues that Yen et al. fails to disclose “means for displaying a new second button representing a new function corresponding to new function information”.

Applicant argues that Miyashita (U.S. Publication No. 2001/0014876) fails to disclose “means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history”.

In response to argument, Examiner respectfully disagrees. Akazawa et al. discloses displaying a download button requesting to download software executing a function when a button is selected in see fig 7 (B4), paragraphs 0042, 0046, lines 15-20, when a user selects download button B4, the requested function is executed. Applicant argues that reference does not teach a download button which is **displayed only when one of the said second buttons is selected**. Examiner points out that this limitation is not exactly claimed in the claim limitation. Applicant is reminded that claims are read in light of the specification and claims are interpreted in the broadest reasonable interpretation. Applicant also argues that the downloaded object in Akazawa et al. is non-functional. Examiner disagrees. The downloaded object is functional because it is only the information considered by necessary by the user is downloaded.

In response to argument that Yen fails to disclose means for displaying a new second button representing a new function corresponding to new function information. Examiner disagrees. Yen discloses this feature in see col. 3, lines 51-67 and fig 4, a new button is created and displayed corresponding with the new application functions added for users' convenience. Applicant argues that the new function icons must contain all the features of the second button which represent optional functions in a second display format. Examiner reminds applicant that this limitation is not exactly claimed in the claim limitation.

In response to Applicant argues that Miyashita (U.S. Publication No. 2001/0014876) fails to disclose “means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history”, Examiner disagrees. Miyashita discloses means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history in paragraph 0059, with the broadest reasonable interpretation, categories of software is functional equivalent to music/video content. Miyashita discloses in paragraph 0059 that information about access status can be collected, such as music/video content that was downloaded and how many times, and in which time slot the content was most frequently downloaded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 6-7, 9-10, 17 and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748) in view of Akazawa et al. (U.S. Publication No. 2003/0065794) and Yen et al. (U.S. Patent No. 6,728,698).

Regarding **claims 1 and 17**, Rodriguez et al. discloses a communication system comprising:

a data processing apparatus (TV, 41) configured to receive and process data (see paragraph 0045) and

a data providing apparatus (headend 11) configured to provide data to said data processing apparatus (see paragraph 0018, the headend provides television signals to cable-ready television sets);

wherein said data processing apparatus includes (TV, 41):

means for displaying first buttons (highlighted button e.g. Titanic) representing executable functions in a first display format (see fig 5) while displaying second buttons (non-highlighted regions e.g., sisters, story of us, Thomas Crown Affair etc) representing optional functions in a second display format (see fig 5 and 8, when “Titanic” is clicked on, the options “add comments, play from beginning of movie” etc is displayed);

means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons (see paragraph 0047, lines 9-21);

means for updating a display of the one of the second buttons by displaying the one of the second buttons in said first display format (see fig 8 and paragraph 0064, lines 4-14), and

wherein said data providing apparatus includes (see fig 2, headend (11)):

However, Rodriguez et al. fails to specifically disclose displaying a download button requesting to download software executing a function when a button is selected, means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software

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implementing a function associated with a button, means for displaying a new second button representing a new function corresponding to new function information, means for receiving said download request for said software from said data processing apparatus, means for transmitting said software to said data processing apparatus in response to said download request for said software and means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function.

Akazawa et al. discloses displaying a download button requesting to download software executing a function when a button is selected (see fig 7 (B4), paragraphs 0042, 0046, lines 15-20, when a user selects download button B4, the requested function is executed)

means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with a button (see fig 7 (B4), paragraph 0047, lines 4-15,

means for receiving said download request for said software from said data processing apparatus (see paragraphs 0046 and 0057),

means for transmitting said software to said data processing apparatus in response to said download request for said software (see paragraphs 0046 and 0057),

execution of a download software (see fig 7 (B4)), and

means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function (see paragraphs 0047, 0054, lines 20-30 and 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format; means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons in Rodriguez et al. to include displaying a download button requesting to download software executing a function when a button is selected as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose means for displaying a new second button representing a new function corresponding to new function information.

Yen et al. discloses means for displaying a new second button representing a new function corresponding to new function information (see col. 3, lines 51-67 and fig 4, a new button is created and displayed corresponding with the new application functions added for users' convenience).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format; means for executing

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a function associated with one of said first buttons in response to an actuation of one of the first buttons and displaying a download button requesting to download software executing a function when a button is selected in Rodriguez et al. and Akazawa et al. to include means for displaying a new second button representing a new function corresponding to new function information as taught by Yen et al. for the advantage of the browser engine initiating the function module of the application corresponding to the function icon so that the application executes a specific function.

Regarding **claims 6 and 21**, Rodriguez et al. discloses a data processing apparatus (TV, 41) for receiving and processing data (see paragraph 0045) from a data providing apparatus (headend 11), said data processing apparatus (see paragraph 0018, the headend provides television signals to cable-ready television sets) comprising:

means for displaying first buttons (highlighted button e.g. Titanic) representing executable functions in a first display format (see fig 5) while displaying second buttons (non-highlighted regions e.g., sisters, story of us, Thomas Crown Affair etc) representing optional functions in a second display format (see fig 5 and 8, when “Titanic” is clicked on, the options “add comments, play from beginning of movie” etc is displayed);

means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons (see paragraph 0047, lines 9-21);

means for updating a display of the one of the second buttons by displaying the one of the second buttons in said first display format (see fig 8 and paragraph 0064, lines 4-14).

However, Rodriguez et al. fails to specifically disclose displaying a download button requesting to download software executing a function when a button is selected, means for downloading said software provided by said data processing apparatus when said download button is selected, means for displaying a new second button representing a new function corresponding to new function information.

Akazawa et al. discloses displaying a download button requesting to download software executing a function when a button is selected (see fig 7 (B4), paragraphs 0042, 0046, lines 15-20),

means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with a button (see fig 7 (B4), paragraph 0047, lines 4-15),

execution of a download software (see fig 7 (B4)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format; means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons in Rodriguez et al. to include displaying a download button requesting to

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download software executing a function when a button is selected as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose new button display controlling means for displaying a new second button representing a new function corresponding to new function information.

Yen et al. discloses means for displaying a new second button representing a new function corresponding to new function information (see col. 3, lines 51-67 and fig 4, a new button is created and displayed corresponding with the new application functions added for users' convenience).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format; means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons and displaying a download button requesting to download software executing a function when a button is selected in Rodriguez et al. and Akazawa et al. to include means for displaying a new second button representing a new function corresponding to new function information as taught by Yen et al. for the advantage of the browser engine initiating the function module of the application corresponding to the function icon so that the application executes a specific function.

Regarding **claims 7 and 22**, Rodriguez et al., Akazawa et al. and Yen et al. discloses everything claimed as applied above (*see claims 6 and 21*). Akazawa et al. discloses said data processing apparatus further comprises when software exists for executing the new function and information about the new function is transmitted from the data providing apparatus to the data processing apparatus (*see paragraphs 0047, 0054, lines 20-30 and 0057*).

Yen discloses means for displaying a new second button representing a new function corresponding to new function information (*see col. 3, lines 51-67 and fig 4*).

Regarding **claims 9 and 10**, Rodriguez et al. discloses a data processing method (TV, 41) for receiving and processing data (*see paragraph 0045*) from a data providing apparatus (headend, 11) (*see paragraph 0018, the headend provides television signals to cable-ready television sets*), said data processing method (TV, 41) comprising the steps of:

displaying first buttons (highlighted button e.g. Titanic) representing executable functions in a first display format (*see fig 5*) while displaying second buttons (non-highlighted regions e.g., sisters, story of us, Thomas Crown Affair etc) representing optional functions in a second display format (*see fig 5 and 8, when "Titanic" is clicked on, the options "add comments, play from beginning of movie" etc is displayed*);

executing a function associated with one of said first buttons to an actuation of one of the first buttons (*see paragraph 0047, lines 9-21*);

updating a display of the one of the second buttons by displaying the one of the second buttons in said first display format (see fig 8 and paragraph 0064, lines 4-14).

However, Rodriguez et al. fail to specifically disclose displaying a download button requesting to download software executing a function when a button is selected, downloading said software provided by said data providing apparatus when said download button is selected, in response to a download request for software implementing a function associated with a button, displaying a new second button representing a new function corresponding to new function information, transmitting information about a new function to said data processing apparatus from said data providing apparatus.

Akazawa et al. discloses displaying a download button requesting to download software executing a function when a button is selected (see fig 7 (B4), paragraphs 0042, 0046, lines 15-20),

downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with a button (see fig 7 (B4), paragraph 0047, lines 4-15),

execution of a download software (see fig 7 (B4)), and

transmitting information about a new function to said data processing apparatus from said data providing apparatus (see paragraphs 0047, 0054, lines 20-30 and 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for displaying first buttons

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representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format; means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons in Rodriguez et al. to include displaying a download button requesting to download software executing a function when a button is selected as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose displaying a new button representing a new function corresponding to new function information.

Yen et al. discloses displaying a new button representing a new function corresponding to new function information (see col. 3, lines 51-67 and fig 4, a new button is created and displayed corresponding with the new application functions added for users' convenience).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format; means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons and displaying a download button requesting to download software executing a function when a button is selected in Rodriguez et al. and Akazawa et al. to include means for displaying a new second button representing a new function corresponding to new function information as taught by Yen et al. for the advantage of

the browser engine initiating the function module of the application corresponding to the function icon so that the application executes a specific function.

8. **Claims 3, 4, 18 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794) and Yen et al. (U.S. Patent No. 6,728,698) as applied to *claim 1* above, and further in view of De Vos et al. (U.S. Patent No. 6,760,917).

Regarding **claims 3 and 18**, Rodriguez et al., Akazawa et al. and Yen et al. discloses everything claimed as applied above (*see claims 1 and 17*).

However, Rodriguez et al., Akazawa et al. and Yen et al. fail to specifically disclose wherein said data providing apparatus further comprises means for creating a download history regarding said software downloaded by said data processing apparatus.

De Vos et al. discloses data providing apparatus (system manager, 60) further comprises means for creating a download history regarding said software downloaded by said data processing apparatus (set top box, 40) (see col. 6, lines 23-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format; means for executing a function associated with one of said first buttons in response to an actuation of one of

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the first buttons and displaying a download button requesting to download software executing a function when a button is selected and displaying a new second button representing a new function corresponding to new function information in Rodriguez et al., Akazawa et al. and Yen et al. to include means for creating a download history regarding said software downloaded by said data processing apparatus as taught by De Vos et al. for the advantage of keeping an inventory of how many video-on demand contents have been distributed to viewers.

Regarding **claims 4 and 19**, Rodriguez et al., Akazawa et al., Yen et al. and De Vos et al. discloses everything claimed as applied above (*see claims 3 and 18*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus further comprises charging means for charging for the downloaded software in keeping with said download history regarding said software transmitted to said data processing apparatus (*see fig 6 (111, 112, 113) and paragraph 0048*).

9. **Claims 5 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794), Yen et al. (U.S. Patent No. 6,728,698) and De Vos et al. (U.S. Patent No. 6,760,917) as applied to *claim 3* above, and further in view of Schlarb et al. (U. S. Patent No. 6,243,145) and Miyashita et al. (U. S. Publication No. 2001/0014876).

Regarding **claims 5 and 20**, Rodriguez et al., Akazawa et al., Yen et al. and De Vos et al. discloses everything claimed as applied above (*see claim 3*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus (see fig 2 (11)).

However, Rodriguez et al., Akazawa et al., Yen et al. and De Vos et al. fail to specifically disclose means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history; and

means for transmitting user-oriented information belonging to said category recognized by said category recognizing means; and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information.

Schlarb et al. means for transmitting user-oriented information belonging to said category recognized by said category recognizing means (see fig 8 and col. 5, lines 4-10, when a user selects a category of sports, sports information is transmitted to the user); and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information (see fig 9, when a user selects a sports category, sports information is displayed on the user's television screen).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., Yen et al.

and De Vos et al.'s invention with the above mentioned limitation as taught by Schlarb et al. for the advantage of providing different kinds of program to the user.

However, Akazawa et al., Yen et al., De Vos et al. and Schlarb et al. fails to specifically disclose a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history.

Miyashita discloses means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history (see paragraph 0059).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., Yen et al., De Vos et al. and Schlarb et al.'s invention with the above mentioned limitation as taught by Miyashita for the advantage of the content provider and advertisement provider to use the received information for their marketing activities.

10. **Claims 8 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794), Yen et al. (U.S. Patent No. 6,728,698) as applied to *claim 6* above, and further in view of Schlarb et al. (U. S. Patent No. 6,243,145) and Miyashita et al. (U. S. Publication No. 2001/0014876).

Regarding **claims 8 and 23**, Rodriguez et al., Akazawa et al. and Yen et al. discloses everything claimed as applied above (*see claims 6 and 21*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus (see fig 2 (11)).

However, Rodriguez et al., Akazawa et al. and Yen et al. fail to specifically disclose a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history; and

user-oriented information transmitting means for transmitting user-oriented information belonging to said category recognized by said category recognizing means; and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information.

Schlarb et al. discloses means for transmitting user-oriented information belonging to said category recognized by said category recognizing means (see fig 8 and col. 5, lines 4-10, when a user selects a category of sports, sports information is transmitted to the user); and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information (see fig 9, when a user selects a sports category, sports information is displayed on the user's television screen).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al. and Yen et

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al.'s invention with the above mentioned limitation as taught by Schlarb et al. for the advantage of providing different kinds of program to the user.

However, Rodriguez et al., Akazawa et al., Yen et al. and Schlarb et al. fails to specifically disclose a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history.

Miyashita discloses means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history (see paragraph 0059).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., Yen et al., and Schlarb et al.'s invention with the above mentioned limitation as taught by Miyashita for the advantage of the content provider and advertisement provider to use the received information for their marketing activities.

11. **Claims 11, 12, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748) in view of Akazawa et al. (U.S. Publication No. 2003/0065794), De Vos et al. (U.S. Patent No. 6,760,917) and Miyashita et al. (U. S. Publication No. 2001/0014876).

Regarding **claim 11**, Rodriguez et al. discloses a data providing apparatus (see fig 2 (11)) (see paragraph 0018, the headend provides television signals to cable-ready

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television sets) for providing data to a data processing apparatus which receives and processes said data, said data providing apparatus comprising:

means for performing (see fig 2 (23, DNCS)) a relevant process in keeping (complete management) with said download history (see paragraph 0020, lines 1-3).

However, Rodriguez et al. fails to specifically disclose means for receiving a download request for said software from said data processing apparatus, means for transmitting said software to said data processing apparatus in response to said download request for said software, means for creating a download history regarding said software downloaded by said data processing apparatus.

Akazawa et al. discloses means for receiving said download request for said software from said data processing apparatus (see paragraphs 0046 and 0057),

means for transmitting said software to said data processing apparatus in response to said download request for said software (see paragraphs 0046 and 0057),

means for transmitting information of a new function to said data processing apparatus when software (PDF) exists for executing the new function (see paragraphs 0045, 0054, lines 20-30 and 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for performing a relevant process in keeping with said download history in Rodriguez et al. to include means for receiving said download request for said software from said data processing apparatus as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose download history creating means for creating a download history regarding said software downloaded by said data processing apparatus.

De Vos et al. discloses means for creating a download history regarding said software downloaded by said data processing apparatus (set top box, 40) (see col. 11, lines 12-32, 48-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify means for performing a relevant process in keeping with said download history and means for receiving said download request for said software from said data processing apparatus in Rodriguez et al. and Akazawa et al. to include means for creating a download history regarding said software downloaded by said data processing apparatus as taught by De Vos et al. for the advantage of keeping an inventory of how many video-on demand contents have been distributed to viewers.

However, Rodriguez et al., Akazawa et al. and De Vos et al. fail to specifically disclose processing means including means for recognizing a category of the software downloaded by said processing apparatus with high frequency based on said download history.

Miyashita discloses means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history (see paragraph 0059, with the broadest reasonable interpretation, categories of software is functional equivalent to music/video content, information about

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access status can be collected, such as music/video content that was downloaded and how many times, and in which time slot the content was most frequently downloaded).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify means for performing a relevant process in keeping with said download history, means for receiving said download request for said software from said data processing apparatus and means for creating a download history regarding said software downloaded by said data processing apparatus in Rodriguez et al., Akazawa et al. and De Vos et al. to include means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history as taught by Miyashita for the advantage of the content provider and advertisement provider to use the received information for their marketing activities.

Regarding **claim 12**, Rodriguez et al., Azakawa et al., De Vos et al. and Miyashita discloses everything claimed as applied above (*see claim 11*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus further comprises means for charging for the downloaded software in keeping with said download history regarding said software transmitted to said data processing apparatus (see fig 6 (111, 112, 113) and paragraph 0048).

Regarding **claims 15 and 16**, Rodriguez et al. discloses a data providing apparatus (see fig 2 (11)) (see paragraph 0018, the headend provides television signals

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to cable-ready television sets) for providing data to a data processing apparatus which receives and processes said data, said data providing apparatus comprising:

processing means for performing (see fig 2 (23, DNCS)) a relevant process in keeping (complete management) with said download history (see paragraph 0020, lines 1-3).

However, Rodriguez et al. fail to specifically disclose receiving a download request for said software from said data processing apparatus,

transmitting said software to said data processing apparatus in response to said download request for said software,

creating a download history regarding said software download by said data processing apparatus and

transmitting information of new function to said data processing apparatus when software exists for executing the new function.

Azakawa et al. discloses receiving a download request for said software from said data processing apparatus (see paragraphs 0046, 0057),

transmitting said software to said data processing apparatus in response to said download request for said software (see paragraphs 0046, 0057) and

transmitting information of new function to said data processing apparatus when software exists for executing the new function (see paragraphs 0047, 0054, lines 20-30 and 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify processing means for performing a relevant

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process in keeping in Rodriguez et al. to include receiving a download request for said software from said data processing apparatus as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose creating a download history regarding said software downloaded by said data processing apparatus.

De Vos et al. discloses creating a download history regarding said software downloaded by said data processing apparatus (see col. 6, lines 23-37); and

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify processing means for performing a relevant process in keeping and receiving a download request for said software from said data processing apparatus in Rodriguez et al. and Azakawa et al. to include creating a download history regarding said software downloaded by said data processing apparatus as taught by De Vos et al. for the advantage of keeping an inventory of how many video-on demand contents have been distributed to viewers.

However, Rodriguez et al., Akazawa et al. and De Vos et al. fail to specifically disclose recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history.

Miyashita discloses means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history (see paragraph 0059).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify processing means for performing a relevant process in keeping, receiving a download request for said software from said data processing apparatus and creating a download history regarding said software downloaded by said data processing apparatus in Rodriguez et al., Azakawa et al. and De Vos to include means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history as taught by Miyashita for the advantage of the content provider and advertisement provider to use the received information for their marketing activities.

12. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794), De Vos et al. (U.S. Patent No. 6,760,917) and Miyashita et al. (U.S. Publication No. 2001/0014876) as applied to *claim 11* above, and further in view of and Schlarb et al.

Regarding **claim 13**, Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al. discloses everything claimed as applied above (*see claim 11*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus (see fig 2 (11)).

However, Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al. fail means for transmitting user-oriented information belonging to said category recognized by said category recognizing means.

Schlarb et al. discloses means for transmitting user-oriented information belonging to said category recognized by said category recognizing means (see fig 8 and col. 5, lines 4-10, when a user selects a category of sports, sports information is transmitted to the user); and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information (see fig 9, when a user selects a sports category, sports information is displayed on the user's television screen).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al.'s invention with the above mentioned limitation as taught by Schlarb et al. for the advantage of providing different kinds of program to the user.

13. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794), De Vos et al. (U.S. Patent No. 6,760,917) and Miyashita et al. (U.S. Publication No. 2001/0014876) as applied to *claim 11* above, and further in view of Yen et al. (U.S. Patent No. 6,728,698).

Regarding **claim 14**, Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al. discloses everything claimed as applied above (*see claim 11*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus (see fig 2 (11)).

However, Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al. fail to specifically disclose means which, if there exists software for executing any new function, transmits information about said new function to said data processing apparatus

Yen et al. discloses means which, if there exists software for executing any new function, transmits information about said new function to said data processing apparatus (see abstract, col. 4, lines 10-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al.'s invention with the above mentioned limitation as taught by Yen et al. for the advantage of the browser engine initiating the function module of the application corresponding to the function icon so that the application executes a specific function.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2425

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Patent Examiner
November 25, 2009.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425